

1 ALEX G. TSE (CABN 152348)
2 First Assistant United States Attorney
3 Attorney for the United States
4 Acting Under Authority Conferred by 28 U.S.C. § 515

5 BARBARA J. VALLIERE (DCBN 439353)
6 Chief, Criminal Division

7 CLAUDIA A. QUIROZ (CABN 254419)
8 Assistant United States Attorney

9 450 Golden Gate Avenue, Box 36055
10 San Francisco, California 94102-3495
11 Telephone: (415) 436-7428
12 FAX: (415) 436-7234
13 claudia.quiroz@usdoj.gov

14 Attorneys for United States of America

15 UNITED STATES DISTRICT COURT
16 NORTHERN DISTRICT OF CALIFORNIA
17 SAN JOSE DIVISION

18 UNITED STATES OF AMERICA,) CASE NO. CR-16-0461-LHK
19 Plaintiff,) STIPULATION AND [PROPOSED] ORDER
20 v.) CONTINUINIG STATUS CONFERENCE AND
21 FRANCISCO JAVIER MARMOLEJO, a/k/a) EXCLUDING TIME PURSUANT TO THE SPEEDY
22 "Blindy,") TRIAL ACT
23 JORGE LOPEZ, a/k/a "Cowboy," and)
24 BRYAN ALVARO CHAVEZ,)
25 Defendants.)
26)
27)
28)

29 IT IS HEREBY STIPULATED, by and between the parties to this action, the United States of
30 America and defendants Francisco Javier Marmolejo, Jorge Lopez, and Bryan Alvaro Chavez, that the
31 status conference in the above-captioned matter, presently scheduled for August 2, 2017 at 9:15 a.m., be
32 continued to September 13, 2017. The reasons for this request are as follow: Since the last appearance
33 in this matter, the government has continued to provide the defense with discovery and the defense
34 continues to review that material. The parties are also working on a resolution of this matter, and

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36 PURSUANT TO THE SPEEDY TRIAL ACT

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1 believe that a short continuance will assist in that. In light of these ongoing discussions, the government
2 has postponed filing a superseding indictment. Accordingly, the parties jointly request that the matter be
3 continued to September 13, 2017 at 9:15a.m

4 The parties also move for an exclusion of time pursuant to the Speedy Trial Act, 18 U.S.C. §§
5 3161(h)(7)(A) and (B)(iv) so that defense counsel may have time to further investigate this matter, and
6 confer with the defendants, taking into account the exercise of due diligence. The parties hereby
7 stipulate that there is good cause—taking into account the public interest in the prompt disposition of
8 this case—to exclude the time from August 2, 2017 from computation under the Speedy Trial Act, and
9 that failing to exclude that time would unreasonably deny the defendants and their counsel the
10 reasonable time necessary for effective preparation of counsel taking into account the exercise of due
11 diligence. 18 U.S.C. § 3161(h)(7)(A) and (B)(iv). The parties further agree that the ends of justice
12 would be served by excluding the time from August 2, 2017 to September 13, 2017 from computation
13 under the Speedy Trial Act and that the need for the exclusion outweighs the best interests of the public
14 and the defendant in a speedy trial.

15 SO STIPULATED.

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19 ALEX G. TSE (CABN 152348)
20 First Assistant United States Attorney
21 Attorney for the United States
22 Acting Under Authority Conferred by
23 28 U.S.C. § 515

24 Dated: July 19, 2017

25 _____/s/
26 CLAUDIA A. QUIROZ
27 Assistant United States Attorney

28 Dated: July 19, 2017

29 _____/s/
30 CARLEEN R. ARLIDGE
31 Counsel for defendant Francisco Marmolejo

32 Dated: July 19, 2017

33 _____/s/
34 MICHELLE D. SPENCER
35 Counsel for defendant Jorge Lopez

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37 PURSUANT TO THE SPEEDY TRIAL ACT

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1 Dated: July 19, 2017

/s/
MARK D. FLANAGAN
Counsel for defendant Bryan Alvaro Chavez

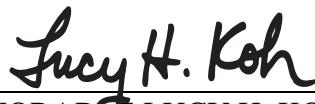
4 **[PROPOSED] ORDER**

5 Good cause having been shown, IT IS HEREBY ORDERED that the status conference currently
6 scheduled for August 2, 2017 at 9:15 a.m. shall be continued to September 13, 2017 at 9:15 a.m.

7 IT IS FURTHER ORDERED that the period from August 2, 2017 to September 13, 2017 is
8 excluded from the Speedy Trial Act calculations. The Court finds that the ends of justice served by
9 excluding that period from Speedy Trial Act calculations outweighs the interests of the public and the
10 defendant in a speedy trial by allowing for the defense to prepare effectively, in accordance with 18
11 U.S.C. § 3161(h)(7)(A) and (B)(iv).

12 IT IS SO ORDERED.

13 DATED: July 19, 2017



HONORABLE LUCY H. KOH
United States District Judge

18 **Attestation of Filer**

19 In addition to myself, the other signatories to this document are Carleen R. Arlidge, Michelle D.
20 Spencer, and Mark D. Flanagan. I attest that I have their permission to enter a conformed signature on
21 their behalf and to file the document.

22 DATED: July 19, 2017

/s/
CLAUDIA A. QUIROZ
Assistant United States Attorney

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26 PURSUANT TO THE SPEEDY TRIAL ACT

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